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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,828	04/12/2001	Michal Kahan	Q60535	1955

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EXAMINER

HANNE, SARA M

ART UNIT	PAPER NUMBER
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2179

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/832,828	Applicant(s) KAHAN ET AL.	
	Examiner Sara M. Hanne	Art Unit 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on 08 August 2005.
- 2a) ☒ This action is FINAL.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7, 8, 10-23, 26-41, 43-55 and 57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7, 8, 10-23, 26-41, 43-55 and 57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is responsive to the amendment received on August 8, 2005. Claims 1-4, 7, 8, 10-23, 26-41 and 43-55 and 57 are pending in the application.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1-4, 7, 8, 10-23, 26-41 and 43-55 and 57 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 omits subject matter essential to understanding the claimed subject matter. With the inclusion of the newly amended material the claims present a "data item computer", however the claims fail to clearly define it's functionality. Many questions are unanswered dealing with Claim 1, including "What system receives the data items from the outside application?", "Is the subscriber and the data item computer on the same machine?", "How is the information pushed to the subscriber and who pushes it?", and "What information is transmitted to the at least one outside application and from whom?".

Claims 1, 14, 19, 34, 47, 55 and 57 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 14, 19, 34 and 47 include the limitation "executing at on" which is unclear and improper.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4, 7, 8, 11-17, 19-23, 26-29, 31-41, 43-45, 47-53, 55 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tso et al., US Patent 6047327, and further in view of Kaplan et al., US Patent 5446891. Tso et al. teaches a method, apparatus, and executable program for aggregating information to be sent to a terminal as seen hereafter.

As in Claims 1, 14, 19, 34 and 47, Tso et al. teaches receiving a data item(s) from a outside application including personalized information pushed to the subscriber (Figure 5, Block 107-109) according to a provisioning profile associated with the subscriber (Figure 5, Block 103-105) and transmitted to the outside application executing at on a data item computer (the user's profile is developed by the user and must be sent to the provider, Column 14 Lines 43 et seq.) a web server that transmits the data items item to the terminal (Figure 5, Block 107) where each data item is associated with a generic action menu or an application specific menu (Figure 4, Action Menu ref. 93 and corresponding text) and a control processor (61) connected to the application interface processor for adapting the data items for display, the subscriber database (53) and the web server (Content Providers and Network A). While Tso et al. teaches such a system for a subscriber sending a profile to an outside application which

formats information according to such a profile and then sending the information to the subscriber where each data item is associated with a generic action menu or an application specific menu, they fail to show the arranging of the selected data items according to subscriber selected presentation rules, each data item associated with a presentation rule as recited in the claims. Kaplan et al. teaches a networked system for data transmission according to user profiles similar to that of Tso et al. Kaplan et al. further teaches arranging of the selected data items according to subscriber selected presentation rules, each data item associated with a rule (Figure 7). It would have been obvious to one of ordinary skill in the art, having the teachings of Tso et al. and Kaplan et al. before him at the time the invention was made, to modify the transmittal of personalized data according to the subscriber's provisioning profile between a subscriber and an outside application where each data item is associated with a generic action menu or an application specific menu taught by Tso et al. to include the ordering of data items according to subscriber selected presentation rules of their display of Kaplan et al., in order to obtain a customized display for a mobile Internet browser. One would have been motivated to make such a combination because an adaptable subscriber prioritized display would have been obtained, as taught by Kaplan et al.

As in Claims 2, 15 and 20, Tso et al. teaches updating the provisioning profile based on a command received from the terminal ('if the user performs an InfoAction, such as requesting greater detail of the traffic condition for a particular freeway, then operation in FIG. 5 will continue with block 113", Column 15, Lines 5-8), op

As in Claims 3, 16, 22, 29 and 38, Tso et al. further teaches updating the provisioning profile by transmitting this command to the control server to update a presentation rule with one of the data items with the wireless gateway and using a controller ('if the user performs an InfoAction, such as requesting greater detail of the traffic condition for a particular freeway, then operation in FIG. 5 will continue with block 113", Column 15, Lines 5-8).

As in Claims 4 and 23, Tso et al. claims the control server storing the updated provisioning profile in a subscriber database and further in reference to Claim 39, on the database server (Figure 5, Blocks 113-115).

As in Claims 7 and 26, Tso et al. teaches the control server storing the received data items in a terminal subscriber's database (Figure 5, Block 107) by the control server as in further reference to Claim 43.

As in Claims 8, 17, 27-28, 44-45 and 52-53, Tso et al. teaches an application adapter (specifically 'application B') translating the received data item to comply with the application interface contract if it does not already (Column 24, Lines 18-33).

As in Claim 11, Tso et al. teaches the formatted data item to be transmitted to the receiving terminal, and furthermore by using a data communications protocol (Column 17, Lines 1-17).

As in Claim 12 and 32, Tso et al. also teaches the terminal being a mobile terminal (Column 17, Lines 1-17).

As in Claim 13 and 33, Tso et al. also teaches the terminal being a client terminal (Column 17, lines 1-17).

As in Claims 21 and 37, Tso et al. teaches the wireless gateway to receive a command from the terminal (Figure 5, Block 111).

As in Claim 31, Tso et al. teaches the wireless gateway to transmit data items to the terminal (Figure 5, Block 111).

As in Claims 35 and 48, Tso et al. teaches an operator platform for accessing the subscriber's profile (subscriber database 53, and server resource database 55'are accessed through the use of ODBC API 59", Column 6, Lines 38-39).

As in Claims 36 and 49, Tso et al. teaches a wireless gateway connected to the web server (it is common to one of ordinary skill in the art for a web server to be connected to a wireless gateway as suggested in column 16, Line 47 with the Infocast servers).

As in Claims 40 and 50, Tso et al. continues to claim a short message service center connected to the control server (Figure 2, Refs. 17 and 41).

As in Claims 55 and 57, Tso et al. teaches a method and executable program for a mobile networking system that edits and sends data from the outside application at on a data item computer according to user-updateable profiles as seen supra wherein personalized information pushed to the subscriber (Figure 5, Block 107-109) according to a provisioning profile associated with the subscriber (Figure 5, Block 103-105) and transmitted to the outside application (the user's profile is developed by the user and must be sent to the provider, Column 14 lines 43 et seq.) and associating each data item with a generic action menu or an application specific menu (Figure 4 with corresponding text). While Tso et al. teaches such a system for a subscriber sending a

user updatable profile to an outside application which formats information according to such a profile and then sending the information to the subscriber and associating each data item with a generic action menu or an application specific menu, they fail to show the arranging of the selected data items according to subscriber selected presentation rules, each data item associated with a rule as recited in the claims. Kaplan et al. teaches a networked system for data transmission according to user profiles similar to that of Tso et al. Kaplan et al. further teaches arranging of the selected data items according to subscriber selected presentation rules, each data item associated with a rule (Figure 7). It would have been obvious to one of ordinary skill in the art, having the teachings of Tso et al. and Kaplan et al. before him at the time the invention was made, to modify the mobile system taught by Tso et al. to include the ordering of data items according to subscriber selected presentation rules of their display of Kaplan et al., in order to obtain an adaptable display for a mobile Internet browser. One would have been motivated to make such a combination because a visually customizable display system would have been obtained, as taught by Kaplan et al.

6. Claims 10, 18, 30, 46 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Tso et al., US Patent 6047327 and Kaplan et al., US Patent 5446891, and in further view of Gerace, US Patent 5848396. As in Claims 10, 18 and 30, Tso et al. and Kaplan et al. teach a mobile networking system that edits and sends data from the provider application according to ' user-updateable profiles, associating each data item with a generic action menu or an application specific menu as seen supra. While Tso et al. and Kaplan et al. teach such a system, they fail to show the



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generating of a terminal subscriber home page according to a presentation rule to be transmitted to the web server as recited in the claims. Gerace teaches a networked system for data transmission according to user profiles similar to that of Tso et al. and Kaplan et al. In addition, Gerace further teaches a control server (ref 79) which generates a subscriber home page according to a user's presentation rule in the profile ("The system then generates a custom Home Page, including a user's preferred (content and presentation) agate information.", Column 4, lines 23-25). It would have been obvious to one of ordinary skill in the art, having the teachings of Tso et al. and Kaplan et al. and Gerace before him at the time the invention was made, to modify the mobile system taught by Tso et al. and Kaplan et al. to include the home page generation according to user defined performance rules of Gerace, in order to obtain a user-defined automatic dynamic homepage for a mobile system. One would have been motivated to make such a combination because a more personalized system for obtaining web information would have been obtained, as taught by Gerace. As in Claims 46 and 54, Tso et al. and Kaplan et al. teach a mobile networking system that edits and sends data from the provider application according to user-updateable profiles and associating each data item with a generic action menu or an application specific menu as seen supra. Gerace teaches a networked system for data transmission according to user profiles that generates a Home Page according to user defined presentation rules. While Tso et al. and Kaplan et al. and Gerace teach such a system for obtaining data items and generating a home page according to the user's profile and rules, they fail to show the sending of a terminal subscriber home page to the web

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server as recited in the claims. It would be obvious to one of ordinary skill in the art, having the teachings of Tso et al. and Kaplan et al. and Gerace before him at the time the invention was made, to transmit the Home Page to the web server. One would have been motivated to make such a combination in order to keep a global ' copy of the generated page if the user wished to access it from other devices on the same provider or to share the user's formatted page with other users. 5. As in Claims 41 and 51 , Tso et al. and Kaplan et al. teach all of the limitations of independent Claims 34 and 47 as seen above. Tso et al. and Kaplan et al. fail to teach an IVR (Interactive voice response) server. However the examiner takes official notice that it is well known to one of ordinary skill in the art to use an IVR (Interactive voice response server). One would have been motivated to make such a combination so that visually handicapped users or users that may not be able to use the keypad on a mobile phone could use the invention of Tso et al. and Kaplan et al.

***Response to Arguments***

Applicant's arguments with respect to the amended claims filed 8/8/2005 have been fully considered but they are not persuasive.

In response to the argument that Tso et al. fails to teach associating each data item with an application-specific application menu executing on a data item computer or a generic action menu, or both, the examiner disagrees. Tso et al. explicitly teaches displaying a generic action menu to be associated with each infobite as in Figure 4, "Actions:", ref. 93.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "action menus that operate on applications ... operating on an outside data item computer" and "application operating on a content provider computer") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

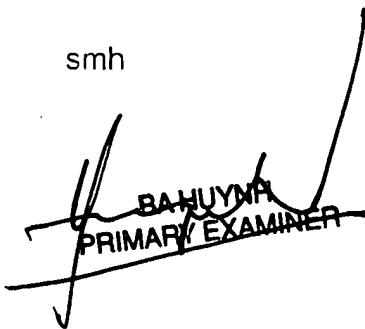
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara M. Hanne whose telephone number is (571) 272-4135. The examiner can normally be reached on M-F 7:30am-4:00pm, off on alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WEILUN LO can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

smh

  
BA HUYNH  
PRIMARY EXAMINER